

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1474 of 1984

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

BHARTI VIDYA MANDIR

Versus

GOVERNMENT OF GUJARAT & ORS.

Appearance:

MR JD AJMERA for Petitioner

MR NIGAM SHUKLA for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 06/08/96

ORAL JUDGMENT

Heard learned counsel for the parties. The petitioner, a trust running schools, filed this Special Civil Application before this Court, challenging thereunder the validity of the note appended to the Government Resolution dated 10.11.78 wherein it has been laid down that if the trust runs its schools in a premises belonging to another trust, then house rent could be allowed to the extent of 5% of the cost of

building and land or the rent determined by the Executive Engineer, whichever is less.

2. The learned counsel for the petitioner does not dispute that in case the trust runs the school in its own building, then the house rent allocated by the Government to it is at the rate of 5% of the cost of construction of building or standard rent as determined by the Executive Engineer, whichever is less. Discrimination has been pleaded on the ground that the Government provides under the aforesaid Resolution, the grants towards the rents to the trust of the premises in which school is run and taken from the reasonable rent determined by the Executive Engineer of 12.5% of the salary bill, whichever is less. No discrimination could have been made in the payment of rate of house rent in the cases where trust runs school either in the rented premises taken from private individual or from another trust.

3. I do not find any substance in the contentions made by the learned counsel for the petitioner. The discrimination plea raised is not tenable. Trust from which the premises have been taken on rent and the private persons do not belong to one class. It is not a class in itself. In view of this fact, in case where the premises are belonging to another trust and premises belonging to private individuals, the trust if takes the premises on rent either of the above stated groups, the Government was perfectly justified to provide different rates of rent to be allocated.

4. In the result, this Special Civil Application fails and the same is dismissed. Rule is discharged. Ad-interim relief granted by this Court stands vacated. No order as to costs.

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(sunil)